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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )  
Byron Y. Yafuso *et al.* ) For: APPARATUS AND METHOD FOR  
Serial No.: 09/881,410 ) PROVIDING A PRIVATE  
Filed: June 14, 2001 ) COMMUNICATION SYSTEM IN A  
                          ) PUBLIC SWITCHED TELEPHONE  
                          ) NETWORK  
                          ) Group Art Unit: 2661

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents  
Washington, D.C. 20231

Attention: Dang Ton  
Primary Examiner

RECEIVED

APR 16 2002

Technology Center 2600

Dear Sir:

The undersigned Inventors declare and state as follows:

1. We are the inventors of the above-captioned patent application, U.S. Application Serial No. 09/881,410, filed June 14, 2001.
2. Prior to September 19, 1995, we, the inventors, had conceived our invention in the United States and were diligent in reducing the invention to practice in the period of just before September 19, 1995 until a United States patent application was filed on February 1, 1996 (United States patent application serial number 08/595,566, heretofor "The Application").
3. We conceived the invention while working under a development program that was contracted between our employer, Qualcomm Incorporated, and a third party,

prior to September 19, 1995. In part, the development program required us to design and build a secure push-to-talk cellular telephone system which could be easily incorporated into a pre-existing cellular telephone system.

4. Our invention was documented in numerous design documents prior to September 19, 1995. They have not been submitted in this declaration because their publication may be contractually restricted.
5. We had been diligent in reducing the invention to practice because at all times from prior to September 19, 1995 until the United States patent application was filed, at least one of us worked full time to build and test a working prototype of the push-to-talk system mentioned above.
6. In addition to the diligence mentioned above, we were further diligent in that a draft of The Application had been written prior to September 19, 1995 by a patent attorney believed to be a Mr. Kevin Zimmerman. A number of revisions were incorporated into the original draft by Mr. Zimmerman as directed by one or more of us. The revision process lasted from before September 19, 1995 until the patent application was filed on February 1, 1996.
7. One of the inventors, Eric J. Lekven, has recently taken a leave of absence from Qualcomm Incorporated for an unknown duration, and cannot be located at this time. Therefore, Mr. Lekven is unavailable to sign this declaration.

We hereby acknowledge that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED:

4/3/2002

Byron Yafuso  
BYRON Y. YAFUSO

DATED:

4/3/2002

Matthew S. Grob  
MATTHEW S. GROB

DATED:

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UNAVAILABLE  
ERIC J. LEKVEN

DATED:

4/4/2002

Steven L. Rogers  
STEVEN L. ROGERS